

REMARKS

In the non-final Office Action, the Examiner rejects claim 16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,187,649 (Mazzurco et al.) in view of U.S. Patent No. 4,551,836 (Parikh) and U.S. Patent No. 6,031,838 (Okabe et al.); rejects claims 18, 19, 21, 23, 24, 27, 28, 31-35, 37, and 38 under 35 U.S.C. § 103(a) as being unpatentable over Mazzurco et al. in view of U.S. Patent No. 6,262,973 (Shiraishi et al.), Parikh, and Okabe et al.; rejects claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Mazzurco et al. Parikh, and Okabe et al. in view of Shiraishi et al., rejects claims 20, 29, and 36 under 35 U.S.C. § 103(a) as being unpatentable over Mazzurco et al., Parikh, Okabe et al., Shiraishi et al. and further in view of U.S. Patent No. 6,778,536 (Ofek et al.); rejects claims 22 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Mazzurco et al., Parikh, Okabe et al., Shiraishi et al. and further in view of U.S. Patent No. 7,197,052 (Crocker). The rejections are respectfully traversed.¹

Claims 16-24 and 27-38 are pending.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
MAZZURCO ET AL., PARIKH, AND OKABE ET AL.*

Independent claim 16 is directed to an interface module usable in a system for forwarding packets, which includes, among other things, a transfer unit configured to transmit the data packets contained in the received incoming stream to each of two forwarding planes connectable to the interface module or the selected two forwarding planes, wherein identical state information is maintained in the two forwarding planes or the selected two forwarding planes based upon state information obtained from the transmitted data packets. This combination of features is not

¹ As Applicant's remarks with respect to the Examiner's rejections overcome the rejections, Applicant's silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or that such requirements have been met, and Applicant reserves the right to dispute these assertions/requirements in the future.

disclosed or suggested by Mazzurco et al., Parikh, and Okabe et al., whether taken alone, or in any reasonable combination.

The Examiner alleges that Mazzurco et al. discloses the above features of claim 16, citing Fig. 2 (24a and 24b) of Mazzurco et al. for support, and stating that the “both units ‘WKG’ and ‘PROTN’ of the receiver 14” correspond to forwarding planes (Office Action, pp. 2-3).

Applicant respectfully disagrees with the Examiner's interpretation of Mazzurco et al.

Particularly, Applicant submits that the labels “WKG” and “PROTN” that appear in connection with input interface 20 of cross-connect switch 14 shown in Fig. 2 of Mazzurco et al., cannot be reasonably understood to be “units” or functional components of any sort, much less forwarding planes as understood by one skilled in the art, since the labels “WKG” and “PROTN” shown in Fig. 2 are not described in Mazzurco et al. as such. In fact, the disclosure of Mazzurco et al. is completely silent with respect to the labels “WKG” and “PROTN.” Accordingly, Applicant submits that the characterization of labels “WKG” and “PROTN” as “units” that correspond to forwarding planes is based on mere speculation on the Examiner's part.

Because Mazzurco et al. does not disclose or suggest forwarding planes or their equivalent, Mazzurco et al. cannot reasonably disclose that identical state information is maintained in the two forwarding planes or the selected two forwarding planes, as recited in claim 16. The Examiner admits that Mazzurco et al. fails to disclose or suggest this particular feature of claim 16, but nevertheless alleges that Parikh, at col. 2, lines 37-39, discloses this feature (Office Action, p. 3). The Examiner further alleges that “it would have been obvious . . . to modify the system of Mazzurco by storing identical state information in” units “WKG” and “PROTN,” and the motivation for doing so would be that “the standby processor can be selected if the active processor fails,” citing Parikh, at col. 2, lines 37-39, for support (Office Action, pp.

3-4). Without regard to the veracity of the Examiner's allegation with respect to Parikh, Applicant submits that Mazzurco et al.'s labels "WKG" and "PROTN" cannot reasonably be modified to store identical state information, or in any other manner, for that matter, given that Mazzurco et al. is completely silent with respect to labels "WKG" and "PROTN," and clearly does not disclose that the "WKG" and "PROTN" labels store state information as required by claim 16.

Moreover, Applicant respectfully submits that alleged motivation to combine the disclosures of Mazzurco et al. and Parikh in the manner suggested by the Examiner's is based on impermissible hindsight. Thus, the rejection of claim 16 under 35 U.S.C. § 103 based on the combination of Mazzurco et al. and Parikh is improper.

Because Mazzurco et al. and Parikh, whether taken alone or in any reasonable combination, do not disclose or suggest that identical state information is maintained in the two forwarding planes or the selected two forwarding planes, as recited in claim 16, Mazzurco et al. and Parikh cannot reasonably disclose or suggest that the maintained identical state information is based upon state information obtained from the transmitted data packets, as further recited in claim 16. The Examiner admits that the alleged combination of Mazzurco et al. and Parikh fails to disclose or suggest this particular feature of claim 16, but nevertheless alleges that Okabe et al., at col. 4, lines 8-11, discloses this feature (Office Action, p. 4). The Examiner further alleges that "it would have been obvious . . . to modify the system of [the alleged combination of Mazzurco et al. and Parikh] by transmitting state information / (active standby) in the packet header," as doing so "would benefit the by providing a method for informing the (units 'WKG' and 'PROTN' of the receiver 14) of their status (i.e. working / protection)" (Office Action, p. 4). Without regard to the veracity of the Examiner's allegation with respect to Okabe et al.,

Applicant submits that Mazzurco et al.'s labels "WKG" and "PROTN" cannot reasonably be modified "to be informed" or in any other manner, for that matter, given that Mazzurco et al. is completely silent with respect to labels "WKG" and "PROTN."

Moreover, Applicant respectfully submits that the motivation to combine the disclosure of Okabe et al. with disclosures of Mazzurco et al. and Parikh in the manner suggested by the Examiner, has been apparently gleaned solely from Applicant's specification. Thus, the rejection of claim 16 under 35 U.S.C. § 103 based on the combination of Okabe et al. with the combination of Mazzurco et al. and Parikh is improper.

For at least these reasons, Applicant submits that claim 16 is patentable over Mazzurco et al., Parikh, and Okabe et al., whether taken alone, or in any reasonable combination.

Accordingly, Applicant respectfully requests the Examiner's reconsideration and withdrawal of the rejection of claim 16 under 35 U.S.C. § 103 based on Mazzurco et al., Parikh, and Okabe et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON MAZZURCO ET AL.,
PARIKH, OKABE ET AL., AND SHIRAISHI ET AL.*

Claim 17 depends from claim 16. Without acquiescing in the rejection of claim 17, Shiraishi et al. does not cure the deficiencies in the disclosures of Mazzurco et al., Parikh, and Okabe et al. set forth above with respect to claim 16. Claim 17 is, therefore, patentable over Mazzurco et al., Parikh, Okabe et al., and Shiraishi et al., whether taken alone, or in any reasonable combination for at least the reasons given above with respect to claim 16.

Accordingly, Applicant respectfully requests the Examiner's reconsideration and withdrawal of the rejection of claim 17 under 35 U.S.C. § 103 based on Mazzurco et al., Parikh, Okabe et al., and Shiraishi et al.

Independent claim 18 is directed to a system for forwarding packets. The system includes, among other things, a controller to designate the first and second forwarding planes when the set includes three or more forwarding planes, wherein the first and second forwarding planes maintain identical state information based upon state information obtained from the received packets. This combination of features is not disclosed or suggested by Mazzurco et al., Parikh, and Okabe et al. whether taken alone, or in any reasonable combination, for at least reasons similar to the reasons given above with respect to claim 16. Shiraishi et al. does not cure the deficiencies in the disclosures of Mazzurco et al., Parikh, and Okabe et al. set forth above with respect to claim 16.

For at least these reasons, Applicant submit that claim 18 is patentable over Mazzurco et al., Parikh, Okabe et al., and Shiraishi et al., whether taken alone, or in any reasonable combination.

Claims 19, 21, 23, and 24 depend from claim 18, and are therefore, patentable over Mazzurco et al., Shiraishi et al., Parikh, and Okabe et al., whether taken alone, or in any reasonable combination, for at least the reasons given above with respect to claim 18.

Accordingly, Applicant respectfully requests the Examiner's reconsideration and withdrawal of the rejection of claims 19, 21, 23, and 24 under 35 U.S.C. § 103 based on Mazzurco et al., Shiraishi et al., Parikh, and Okabe et al.

Independent claim 27 is directed to a network device that includes, among other things, an interface module to transmit at least one packet to the first PFE and the second PFE, wherein the first and second PFEs maintain identical state information associated with the at least one packet. This combination of features is not disclosed or suggested by Mazzurco et al., Parikh, and Okabe et al. whether taken alone, or in any reasonable combination, for at least reasons

similar to the reasons given above with respect to claim 16. Shiraishi et al. does not cure the deficiencies in the disclosures of Mazzurco et al., Parikh, and Okabe et al. set forth above with respect to claim 16.

For at least these reasons, Applicant submit that claim 27 is patentable over Mazzurco et al., Shiraishi et al., Parikh, and Okabe et al., whether taken alone, or in any reasonable combination.

Claims 28 and 31-33 depend from claim 27, and are therefore, patentable over Mazzurco et al., Shiraishi et al., Parikh, and Okabe et al., whether taken alone, or in any reasonable combination, for at least the reasons given above with respect to claim 27.

Accordingly, Applicant respectfully requests the Examiner's reconsideration and withdrawal of the rejection of claims 27, 28 and 31-33 under 35 U.S.C. § 103 based on Mazzurco et al., Shiraishi et al., Parikh, and Okabe et al.

Independent claim 34 is directed to a method a network device including a group of three or more packet forwarding engines (PFEs) configured to receive packets from and transmit packets to at least one of a plurality of interface modules coupled to the first and second PFEs. The method includes, among other things, maintaining, in the first and second PFEs, identical state information associated with the at least one packet. This combination of features is not disclosed or suggested by Mazzurco et al., Parikh, and Okabe et al. whether taken alone, or in any reasonable combination, for at least reasons similar to the reasons given above with respect to claim 16. Shiraishi et al. does not cure the deficiencies in the disclosures of Mazzurco et al., Parikh, and Okabe et al. set forth above with respect to claim 16.

For at least these reasons, Applicant submit that claim 34 is patentable over Mazzurco et al., Shiraishi et al., Parikh, and Okabe et al., whether taken alone, or in any reasonable combination.

Claims 35 and 37 depend from claim 34, and are therefore, patentable over Mazzurco et al., Shiraishi et al., Parikh, and Okabe et al., whether taken alone, or in any reasonable combination, for at least the reasons given above with respect to claim 34.

Accordingly, Applicant respectfully requests the Examiner's reconsideration and withdrawal of the rejection of claims 34, 35, and 37 under 35 U.S.C. § 103 based on Mazzurco et al., Shiraishi et al., Parikh, and Okabe et al.

Independent claim 38 is directed to a network device including a group of three or more packet forwarding engines (PFEs) configured to receive packets from and transmit packets to at least one of a plurality of interface modules coupled to the first and second PFEs. The network device, includes, among other things, means for maintaining, in the first and second PFEs, identical state information associated with the at least one packet. This combination of features is not disclosed or suggested by Mazzurco et al., Parikh, and Okabe et al. whether taken alone, or in any reasonable combination, for at least reasons similar to the reasons given above with respect to claim 16. Shiraishi et al. does not cure the deficiencies in the disclosures of Mazzurco et al., Parikh, and Okabe et al. set forth above with respect to claim 16.

For at least these reasons, Applicant submit that claim 38 is patentable over Mazzurco et al., Shiraishi et al., Parikh, and Okabe et al., whether taken alone, or in any reasonable combination.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON MAZZURCO ET AL.,
SHIRAISHI ET AL., PARIKH, OKABE ET AL., AND OFEK ET AL.*

Claims 20, 29, and 36 variously depend from claims 18, 27, and 35. Ofek et al. does not cure the deficiencies in the disclosures of Mazzurco et al., Shiraishi et al., Parikh, and Okabe et al., set forth above with respect to claims 18, 27, and 35. Claims 20, 29, and 36 are, therefore, patentable over Mazzurco et al., Shiraishi et al., Parikh, Okabe et al., and Ofek et al., whether taken alone, or in any reasonable combination, at least by virtue of their dependency from claims 18, 27, and 35.

Accordingly, Applicant respectfully requests the Examiner's reconsideration and withdrawal of the rejection of claims 20, 29, and 36 under 35 U.S.C. § 103 based on Mazzurco et al., Shiraishi et al., Parikh, Okabe et al., and Ofek et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON MAZZURCO ET AL.,
SHIRAISHI ET AL., PARIKH, OKABE ET AL., AND CROCKER.*

Claims 22 and 30 variously depend from claims 18 and 27. Crocker does not cure the deficiencies in the disclosures Mazzurco et al., Shiraishi et al., Parikh, and Okabe et al., set forth above with respect to claims 18 and 27. Claims 22 and 30 are, therefore, patentable over Mazzurco et al., Shiraishi et al., Parikh, Okabe et al., and Crocker, whether taken alone, or in any reasonable combination, at least by virtue of their dependency from claims 18 and 27.

Accordingly, Applicant respectfully requests the Examiner's reconsideration and withdrawal of the rejection of claims 22 and 30 under 35 U.S.C. § 103 based on Mazzurco et al., Shiraishi et al., Parikh, Okabe et al., and Crocker.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests the Examiner's reconsideration of the application and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By: /Garth D. Richmond/
Garth D. Richmond
Reg. No. 43,044

11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800
Customer Number: 44987
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